EXECUTION—AUTOMOBILE NOT EXEMPT AS "WAGON."—Replevin to obtain automobile taken under execution against physician whose only vehicle was the machine in question. *Held*, the automobile was properly taken under execution, not being included in exemptions mentioned in Shannon's Code (§ 3794) providing that there shall be exempt from execution, seizure, or attachment, " * * * one, two, or one one-horse wagon and harness * * *." *Prater* v. *Riechman* (Tenn.), 187 S. W. 305.

In reviewing the case the court said, "The public policy underlying our exemption statutes for heads of families is that a creditor should be restrained from having satisfaction of his debt out of certain kinds of property which are necessary to the maintenance of the families of improvident or unfortunate debtors." The court, professing to follow this doctrine, decided that an automobile is property so dissimilar in kind from any of the articles named in the statute, that it cannot be held to be embraced therein, unless the court should depart from legitimate construction and engage in judicial legislation. In reaching that conclusion, the court stated,—"The automobile is a product of a civilization advanced much beyond the date of our exemption statute; and it is, as a means of transportation, a different class of vehicle altogether from those named in our statute." This strict construction of the statute is very generally opposed by other courts holding that an automobile serves the purpose of a wagon or other vehicle, and under a statute making a carriage exempt, an automobile is a carriage within the meaning of the statute. *Lames* v. *Armstrong*, 163 Iowa 327, 144 N. W. 1, 49 L. R. A. (N. S.) 691; *Parker* v. *Sweet* (Texas), 127 S. W. 881; *Trenton* v. *Towan*, 44 N. J. Eq. 702, 70 Atl. 606; *Peevehouse* v. *Smith* (Texas), 152 S. W. 1196; *Hammond* v. *Pickett* (Texas), 158 S. W. 174; *Patten* v. *Sturgeon*, 214 Fed. 65. It has been held that a physician's vehicle and harness reasonably necessary for the practice of his profession are exempt from execution. *Richards* v. *Hubbard*, 59 N. H. 158, 47 Am. Rep. 188; *Eastman* v. *Caswell*, 8 How. Prac. 75; *Van Buren* v. *Lope*, 29 Barb. 388. Also, that the only vehicle owned by the defendant in execution is exempt. *Nichols* v. *Claiborne*, 39 Texas 363. Even "a bicycle, habitually used by a painter, paperhanger, and billposter to earn a living, he being the head of the family, is exempt, though such vehicles were not known when the statute was enacted." *Roberts* v. *Parker*, 117 Iowa 389, 90 N. W. 744. As opposed to the general attitude taken by the Tennessee court, the better view, upheld by the authorities generally, may be expressed thus: "The adaptation and actual use of an article, even if not absolutely necessary to enable one to carry on his principal business, though he have two kinds of business, and though his business is not extensive, and does not occupy his whole time, is sufficient to exempt such article." *Kenyon* v. *Baker*, 16 Mich. 373, 97 Am. Dec. 158. See generally, comment on *Patten* v. *Sturgeon*, supra, in 13 MICH. L. REV. 152.

MINES AND MINING—ANTICLINE AS APEX GIVING EXTRALATERAL RIGHT.—A mineral-bearing vein passed under the surface of plaintiff's mining claim, sloping up from south to north at an angle varying from 17 to 30 degrees from the horizontal; it passed through the north side-line plane of plaintiff's claim